

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMEL POWELL,

Plaintiff,

-v.-

THE CITY OF NEW YORK,

Defendant.

23 Civ. 10263 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of a letter from Defendant the City of New York requesting a pre-motion conference regarding its contemplated motion to dismiss the complaint. (Dkt. #12). Pursuant to the Court's Individual Rules of Practice in Civil Cases, Plaintiff, who is proceeding *pro se*, was not required to file a response.

The Court has carefully reviewed Defendant's pre-motion letter and has concluded that a conference is not necessary. The Court accordingly GRANTS Defendant leave to file a motion to dismiss. The Court also *sua sponte* GRANTS *pro se* Plaintiff leave to amend his complaint, if he chooses, in response to the issues raised in Defendant's pre-motion letter before Defendant files its motion to dismiss.

Accordingly, it is hereby ORDERED that, if Plaintiff wishes to amend the Complaint, he must file an amended complaint by **April 26, 2024**. This is Plaintiff's last opportunity to amend his complaint in response to the issues raised in Defendant's pre-motion letter, and failure to file an amended complaint by **April 26, 2024**, will be deemed a waiver.

It is further ORDERED that Defendant shall respond to any amended complaint on or before **May 17, 2024**. If Defendant responds with a motion to dismiss, Plaintiff shall file any opposition on or before **June 7, 2024**.

Defendant shall file any reply on or before **June 21, 2024**.

It is further ORDERED that, if Plaintiff chooses not to amend his complaint by **April 26, 2024**, briefing on Defendant's contemplated motion to dismiss shall proceed as above: Defendant shall file its motion on or before **May 17, 2024**; Plaintiff shall file any opposition on or before **June 7, 2024**; and Defendant shall file any reply on or before **June 21, 2024**.

Finally, the Clerk of Court is directed to mail a copy of this Order to Plaintiff at his address of record.

SO ORDERED.

Dated: March 19, 2024  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

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KATHERINE POLK FAILLA  
United States District Judge